

### **Remarks/Arguments**

Claims 1-5 are pending in the application. Claims 1 and 5 are rejected. Claims 2-4 are objected to.

#### ***Objection to Drawings***

The amendment to drawings filed 9/10/04 is considered non-compliant because it failed to meet the requirements of 37 CFR 1.121. Applicant submits replacement pages reflecting the drawing changes noted above.

#### ***Objection to the Specification***

The substitute specification filed on 9/10/04 has not been entered because a clean copy was not supplied. A clean copy of the substitute specification is attached. Amendments to the specification were made as indicated in the substitute specification submitted in the last response dated September 7, 2004. The Examiner did not enter the substitute specification because a clean copy of the specification along with a marked-up copy was not supplied. Applicant submits herewith a marked-up copy and a clean copy of the specification that reflect changes made in the previous submission. There are no amendments to the specification with this response.

#### ***Claim Rejections under 35 USC § 102***

Claims 1 and 5 are rejected under 35 USC 102(e) as being anticipated by Trontelj (US Patent No. 6,208,235). The Examiner states that Trontelj discloses a data carrier that includes a receiving means in which the value of one of a second transmission coil and a capacitor configuration is controlled through a switching configuration (34 in Fig. 1). Applicant respectfully

requests that the Examiner reconsider this position. The present invention includes a first coil (L1) and an associated first switch (S) and a second coil (L2) and an associated capacitor configuration (CC). A second switch (S1) is associated with the second coil (L2) and the capacitor configuration (CC) to control the value of either the second coil (L2) or the capacitor configuration (CC). Claim 1 recites a first switching means (S), which is switchable between a conductive switching state and a non-conductive switching state, and a first transmission coil (L1) that can be short-circuited with the aid of the first switching means (S). Claim 1 further recites that the receiving means configuration (RC) is configured to be controllable as regards the value of at least one of its elements comprising the at least one second transmission coil (L2) and the capacitor configuration (CC) through a second switching means. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Trontelj does not disclose the subject matter of claim 1. Trontelj does disclose a first transmission coil (Lc), a switch (34), a second transmission coil (Lr), and a capacitor configuration (24). The switch (34) is connected to first transmission coil (Lc) to either allow or prevent current from flowing therethrough (column 6, lines 64-66). However, the switch (34) does not control the value of either the second coil (Lr) or the capacitor configuration (24) as recited in claim 1. Trontelj describes in column 7, lines 48-53 that to control the value of the first and second coils the number, size, and relative placement of the turns of coils must be adjusted. The Examiner also states that controlling the value of the second coil (L2) is nothing more than controlling ON/OFF of the switch S. The Examiner further states that since Trontelj teaches such a switching configuration (34), Trontelj teaches controlling the value of the second transmission coil through a switching configuration. Applicant requests that the Examiner reconsider this position. Trontelj does not control the value of either the second transmission coil (Lr) or the capacitor

configuration (24) through the switch (34) as recited in claim 1. As pointed out above, switch (34) is connected to the first transmission coil (Lc) to either allow or prevent current from flowing therethrough. Trontelj does not disclose a second switching means to control the value of either the second transmission coil (Lr) or the capacitor configuration (24). Therefore, Trontelj does not disclose the limitations of claim 1.

Claim 5 depends from claim 1 and adds the further limitation that the capacitor (CC) is only arranged in parallel with the at least one second transmission coil (L2) and is consequently disposed in series with the first transmission coil (L1). The above comments regarding Trontelj as applied to claim 1 are equally applicable here. Since Trontelj does not disclose the subject matter of claim 1 the subject matter of claim 5 is also not met.

Claim 5 has been objected to because of an informality. Applicant has corrected the informality with this amendment.

Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant gratefully acknowledges the Examiner's indication of the allowability of claims 2-4. However, at this time Applicant believes that claim 1 as presented is allowable over the prior art. Applicant respectfully requests that the Examiner enter this amendment and allow claims 1-5.

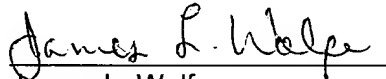
In view of the foregoing reasons for distinguishing over the cited references, Applicant has not raised other possible grounds for traversing the rejections, and therefore nothing herein should be deemed as acquiescence in any rejection or waiver of arguments not expressed herein.

### **CONCLUSION**

Applicant submits that in view of the foregoing remarks and/or amendments, the application is in condition for allowance, and favorable action is respectfully requested. The Commissioner is hereby authorized to charge any fees, including extension fees, which may be required, or credit any overpayments, to Deposit Account No. 50-1001.

Respectfully submitted,

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### **Amendments to the Drawings**

Replacement sheets indicating the following changes are submitted herewith:

Figure 1: "State of Art" has been changed to - - Prior Art - -.

Figure 3: "conductive" has been changed to - - non-conductive - -.

Figure 4: "non-conductive" has been changed to - - conductive - -.